

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Vicente Antonio Amezcua-Bram *Principal*

YOB: 1985

Diego Armando Fernandez-Martinez *Co-Principal*

YOB: 1995

the United Mexican States
United States District Court
Southern District of Texas
FILED
the United Mexican States

Case Number:

M-16-1572-M

AUG 25 2016

(Name and Address of Defendant)

Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 23, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Irvin Gustavo Garcia-Almazan, citizens and national of Guatemala, and Mario Rolando Leiva-Cruz, citizen and national of Honduras, along with fourteen (14) other undocumented aliens, for a total of sixteen (16), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii)

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On August 19, 2016, a smuggled undocumented immigrant was interviewed by Falfurrias Border Patrol Intelligence Agents and stated he had previously been harbored at a trailer home at 2701 West Mile 10, Mission, Texas.

On August 22, 2016, Border Patrol Agent A. Solis conducted mobile surveillance on the trailer at 2701 West Mile 10 in an attempt to verify the information provided. After approximately two hours, a blue minivan arrived at the location driven by Diego Armando FERNANDEZ-Martinez. FERNANDEZ open the gate to the property, drove in, immediately closed the gate and parked adjacent to the trailer home. A short time later, FERNANDEZ was seen leaving the property.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved by David A. Lintner
8/25/16

Sworn to before me and subscribed in my presence,

August 25, 2016
Date

Dorina Ramos, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Complainant

Julio Ibarra Senior Patrol Agent
Printed Name of Complainant

at McAllen, Texas
City and State

Dorina Ramos
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-1572-M

**RE: Vicente Antonio Amezcua-Bram
Diego Armando Fernandez-Martinez**

CONTINUATION:

On August 23, 2016, Agent S. Quintanilla while conducting surveillance on the trailer home observed a black Ford F-150 arrive at the trailer home occupied by two male subjects. The driver, Vicente AMEZCUA-Bram and passenger as Diego Armando FERNANDEZ-Martinez. Agent S. Quintanilla observed both subjects entering the trailer home and then departing approximately five to ten minutes later. Agents R. Tovar, H. Cerda and J. Barrientos were positioned nearby and followed the two into the Benito Juarez-Lincoln High School parking lot. A few minutes later, the vehicle was observed departing the parking lot and a traffic stop was conducted, for Failure to Stop at a Designated Point, by Hidalgo County Sheriff's Deputy J. Rangel.

At this time, Border Patrol Agents approached the vehicle and made contact with the driver, Vicente AMEZCUA-Bram and he freely admitted to being illegally present in the United States. AMEZCUA-Bram completely denied coming from or ever being present at the trailer home on 2701 West Mile 10. The rear passenger, Diego Armando FERNANDEZ-Martinez freely admitted to being illegally present in the United States and initially denied coming from or ever being present at the trailer home on 2701 West Mile 10. FERNANDEZ was then presented with what agents had observed and he then told agents there were undocumented immigrants inside the trailer home. FERNANDEZ also admitted to transporting food to the target location and also admitted to transporting an undocumented immigrant to a nearby house the previous day. FERNANDEZ then told agents AMEZCUA-Bram was directly responsible for giving him instructions to conduct illegal activity at the target location. FERNANDEZ was read his Miranda Rights, stated he understood his rights and was willing to provide a sworn statement without the presence of an attorney. FERNANDEZ stated he had previously been to the trailer home a total of four times and also stated that the key to the lock located on the front gate to the trailer home was in the center console of the truck. FERNANDEZ provided written and verbal consent to search the residence. The front seat passenger, identified herself as Juana HERNANDEZ-Monjaras and she freely stated that she was illegally present in the United States.

With consent and the key provided by FERNANDEZ-Martinez, Border Patrol Agents and Hidalgo County Sheriff Deputies opened the gate and approached the target location. Agents knocked on the front door to the trailer, identified themselves and opened the door but did not enter the residence. Agents requested the subjects to exit the residence and all sixteen subjects freely exited the residence. The sixteen subjects freely admitted to being illegally present in the United States.

All subjects were transported to the Weslaco Border Patrol Station for interview and processing.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-1572-M

**RE: Vicente Antonio Amezcua-Bram
 Diego Armando Fernandez-Martinez.**

CONTINUATION:

PRINCIPAL STATEMENT #1:

At the Weslaco Border Patrol Station, Vicente AMEZCUA-Bram was read his Miranda Rights and refused to provide a sworn statement without the presence of an attorney.

PRINCIPAL STATEMENT #2:

Diego Armando FERNANDEZ-Martinez was read his Miranda Rights, stated that he understood his rights and was willing to provide a sworn statement without the presence of an attorney.

Diego Armando FERNANDEZ-Martinez, a citizen and national of Mexico, stated his father-in-law, Vicente Antonio AMEZCUA-Bram, paid for his smuggling arrangements. FERNANDEZ has lives with Juana HERNANDEZ-Monjaras and Vicente Antonio AMEZCUA-Bram. FERNANDEZ admitted to being involved with human smuggling activity upon the instruction of AMEZCUA-Bram. FERNANDEZ also admitted to transporting undocumented immigrants to the trailer home on 2701 West Mile 10 and also to providing food to the subjects on multiple occasions. FERNANDEZ also stated his mother-in-law, Juana HERNANDEZ-Monjaras would cook large quantities of food specifically for the undocumented immigrants to which she had knowledge of. FERNANDEZ was paid a total of \$400.00 USD by AMEZCUA-Bram for his assistance with human smuggling activities. FERNANDEZ was shown two photo lineups and positively identified both AMEZCUA-Bram and HERNANDEZ-Monjaras via photo lineup.

MATERIAL WITNESS STATEMENTS

Irvin Gustavo GARCIA-Almazan and Mario Rolando LEIVA-Cruz were read their Miranda Rights, understood their rights and were willing to provide a sworn statement without the presence of an attorney.

MATERIAL WITNESS STATEMENT #1:

Irvin Gustavo GARCIA-Almazan, a citizen and national of Guatemala, stated was to pay \$10,000 to be smuggled into the United States. GARCIA stated he entered into the United States illegally utilizing a raft to cross the Rio Grande River. GARCIA stated that after walking for a bit the group was separated from their foot guide but ultimately were able to navigate to a pickup location coordinated through the use of cellphone calls made by the group to the smugglers. From the pickup location he was taken to the stash house where he was ultimately apprehended. GARCIA stated that he was given food to eat while being transported to the stash house. GARCIA was able to identify Diego Armando FERNANDEZ-Martinez and stated that FERNANDEZ had visited the house and asked four subjects inside for \$300 U.S. currency extra on top of what they had already agreed to pay for their smuggling arrangement. He stated that FERNANDEZ also brought one burrito to everyone in the stash house.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-1572-M

**RE: Vicente Antonio Amezcua-Bram
 Diego Armando Fernandez-Martinez.**

CONTINUATION:

GARCIA was able to identify Vicente Antonio AMEZCUA-Bram and stated that AMEZCUA arrived at the stash house today and brought 5 burritos to the house for the subjects who had just arrived. GARCIA also stated that AMEZCUA had informed the group that they would be moved further north as of that day.

MATERIAL WITNESS STATEMENT #2:

Mario Rolando LEIVA-Cruz, a citizen and national of Honduras, paid \$2,500 to be smuggled into the United States. LEIVA-Cruz after crossing the Rio Grande River, an unknown man driving a white pickup truck picked him up and took him to an unknown parking lot where he was transferred to a black pickup truck. LEIVA-Cruz then stated that he was then taken to the stash house where he was arrested. LEIVA-Cruz also stated that when he arrived to the trailer, the driver told him to go inside and that he would take him food later on. Approximately ten minutes later, the driver of the black pickup truck came back to the trailer and dropped off two more undocumented aliens. A photo lineup was shown to LEIVA-Cruz and identified Vicente Antonio AMEZCUA-Bram as the person who took him to the trailer and one of the men that would take them food. AMEZUCA-Bram is also the person that demanded LEIVA-Cruz pay additional money. LEIVA-Cruz also stated that during his stay at the stash house, a young male subject who has dark skin and short would also go to the trailer and would drop off subjects and food. A photo lineup was shown to LEIVA-Cruz and he identified Diego Armando FERNANDEZ-Martinez as one of the men who dropped off food.